

TASMANIAN INDUSTRIAL COMMISSION

Industrial Relations Act 1984

T No. 3969 of 1992

IN THE MATTER OF an application by
the Minister administering the
Tasmanian State Service Act to
vary the Fire Brigades Award

re restructure of award

DEPUTY PRESIDENT

HOBART, 30 November 1992

TRANSCRIPT OF PROCEEDINGS

Unedited

DEPUTY PRESIDENT: No, changes in appearances? Mr Ogle?

MR OGLE: No, no changes, Mr Deputy President, and good morning.

What I would like to do at this stage is really for the record put a couple of exhibits forward. The first exhibit to put forward is a letter we wrote to the United Firefighters on 29th September. While that was prior to the previous hearing, I don't believe we actually put them on the record. And what that letter actually did was just advise the United Firefighters of the issues that we wanted placed -

DEPUTY PRESIDENT: What will we call this?

MR OGLE: MASSA.1, I think, Mr Deputy President.

DEPUTY PRESIDENT: MASSA.1 it shall be.

MR OGLE: And it might be opportune if I also hand up a letter we also wrote to the United Firefighters on 27th October, which really is a variation of MASSA.1.

DEPUTY PRESIDENT: MASSA.2.

MR OGLE: Both those letters, Mr Deputy President, outlined how we have divided up our claim into categories of matters addressed, you might remember, under the UFU claim, which we believe - there's ten matters there and they are being arbitrated.

The next category, if you like, were fire specific items. The next category, fire specific items that we believe need to be put before a full bench; and then there were those matters of public sector wide items.

The reason really for putting up both those exhibits today, Mr Deputy President, while there is no detail, that is to show that we are talking and negotiating.

There has been some movement. As the letter indicates, we wrote on the 29th September. We met with the UFU and ourselves met on the 27th October immediately after our previous hearing.

Again we wrote on the 27th October. The letter of 27th October whilst dated that date, I don't think Mr Devine actually got it until later in November. I'd have to highlight that.

DEPUTY PRESIDENT: Right.

MR OGLE: We met with the UFU and a Department of Premier and Cabinet representatives on 16th November to really get the

full picture, particularly in relation to the public sector wide matters.

As a result of those meetings, and letters and negotiations we believe, as I have stated previously, the matters to be addressed by the UFU claim - there's ten matters there - and they are all for arbitration.

The fire specific items, there are 16 matters listed there. We believe that there are 15 where we are likely to reach some sort of agreement, compromise, whatever we want to call it.

The fire specific full bench matter on hours there is just the one item there, and hopeful that we will meet some sort of agreement on that one. And while we have had lengthy discussions both in this hearing and before you with the UFU claim, the public sector wide items seem to be causing us the greatest concern. But it is interesting to note there that -

DEPUTY PRESIDENT: Which items?

MR OGLE: The public sector wide category.

DEPUTY PRESIDENT: Right.

MR OGLE: There were 13 matters which we listed there, and at this point in time I would indicate that it is likely that there are 10 or 11 items that we're hopeful of reaching agreement. There's obviously some that have major problems.

DEPUTY PRESIDENT: Yes.

MR OGLE: Now, while I have indicated to you that we're reaching agreement on a number of items, both parties have reserved their position. They're 'without prejudice' negotiations, and are looking at all of the items as a package. So, just because we agree -

DEPUTY PRESIDENT: That doesn't mean to say it will all necessarily come together.

MR OGLE: - it doesn't mean to say that at the end of the day - there might be particular ones that really are significant to either party.

DEPUTY PRESIDENT: Right.

MR OGLE: I would indicate at this stage we have also planned a further meeting later on this week. The letter of 27th October outlined a number of changes. The UFU have undertaken to have a look at those changes.

There were a number of suggestions we could accommodate, there were a number we've put back to the UFU with changes, and we're waiting on feedback.

I believe Mr Devine has recently done a statewide visit to talk to his membership, but he can talk on that.

DEPUTY PRESIDENT: Right.

MR OGLE: So, we have planned a further meeting for later this week, so to indicate to you that I would be seeking to adjourn this matter.

I think also it is very fair to indicate at this stage that the full bench public sector wide conditions has significance for this matter.

The 14th December seems to be a crucial date for those matters. I believe the full bench has adjourned for further consideration of that matter and some indications from all parties as to how that matter will progress.

Now, while it has significance on a number of key items, we believe that we have gone a long way, anyway, so we'd be seeking to adjourn the matter today.

DEPUTY PRESIDENT: Maybe the full bench should have regard for the approach of present parties as to how they will dispose of matters.

MR OGLE: Well, we believe we have gone a long way, Mr Deputy President, and I suppose it is easier when we're dealing - dare I say the word - with an enterprise.

DEPUTY PRESIDENT: Yes.

MR OGLE: We have got specific items we want to address, and both parties are committed to making it more efficient.

I would indicate that the United Firefighters Union have been - well, they might have a different agenda, different items - but I think we are both heading towards making the workplace more efficient, and that's what we believe -

DEPUTY PRESIDENT: It could well be that the progress being made could be attributable to a large extent to the personalities involved.

MR OGLE: We would like to think so, Mr Deputy President.

DEPUTY PRESIDENT: Well, I think that's probably a fair comment.

MR OGLE: I think it is more so that we are both committed to making it more efficient.

DEPUTY PRESIDENT: Yes.

MR OGLE: So, that's the state of play.

DEPUTY PRESIDENT: Right.

MR OGLE: I'd be seeking an adjournment, but obviously you'll need to hear from Mr Devine.

DEPUTY PRESIDENT: Yes. Now that we are almost into December have we got some idea as to at this stage it is possible to say when we're likely to have to resume, or what's the agenda for the future?

MR OGLE: We'll I'd be quite open there, Mr Deputy President. I mentioned the 14th December as a critical date. Now, whether anything happens on that date or not, but I would be seeking to adjourn until a couple of days after that to see what happens there, and then hopefully even by then we have reached the stage where we can indicate to you these matters are agreed, some other matters are disagreed or need arbitration, or we might have to come to you and say the whole thing has fallen over. So, any time after the 14th, but before Christmas.

Now I have personally got a couple of problems there, because I have got the police case running full steam ahead at those dates, but I am sure we can fit it in.

DEPUTY PRESIDENT: Well if this year follows the pattern of the last 13, in my experience a lot of people want to clear their desk in a hurry so they can take some leave, and it becomes a very logged, jammed up couple of weeks of the last few weeks of this year; and it becomes difficult and frustrating for people to be able to achieve everything that they hope to achieve in that short period of time.

MR OGLE: Well I would just indicate, Mr Deputy President, because we're fairly early that, you know, post 14th December before Christmas would be sort of ideal, and I understand what you're saying, but I suppose we could pencil in a date and see how it goes from there and report back to you after each meeting.

DEPUTY PRESIDENT: Yes. I am really dealing more with the expectancy of the parties. I mean, if they are moving along at a certain pace then all of a sudden they want to have everything settled either by consent or by arbitration by some deadline, then we should come to grips with it now rather than, oh, you thought that I was thinking that some things could go over into the new year.

MR OGLE: I suppose what I am saying is at this stage we'd be looking ideally post 14 December before Christmas Eve.

DEPUTY PRESIDENT: Right.

MR OGLE: If we could fit something in there, that would be my indication to you. Perhaps we could ask Mr Devine what he thinks at this stage.

DEPUTY PRESIDENT: Yes. Fine. Mr Devine, do you agree what's been said thus far about -

MR DEVINE: Yes, good morning, Mr Deputy President. Yes, I support Mr Ogle's comments, and I would go further and say that both parties I believe are attempting to adopt a very positive attitude on the whole procedure.

And we intend, for our part, over the next fortnight or so particularly to work very hard towards some form of positive position.

The one thing that I would reiterate, in line with Mr Ogle's comments, was we're taking the view that we would like to reach some form of agreement on a package, and that from my perspective is our goal with respect to our negotiations.

And I would say also that post the 14th I'm hopeful that we can get back into the commission, sir, and progress the matter further prior to Christmas.

DEPUTY PRESIDENT: Right. Well, I will certainly do my very best, but you have got to realise that a lot of other people seem to have the same idea. We don't want to have false expectations about what can be achieved, because it is not only sitting days it is writing and it's the processing of whatever has to come out, and gazettal and so on.

MR DEVINE: I understand, sir.

DEPUTY PRESIDENT: Yes.

MR DEVINE: I'd support also an adjournment at this stage, Mr Deputy President.

DEPUTY PRESIDENT: Until the 14th perhaps the parties might advise me on or soon after the 14th as to what they see is the next step. Is that all right?

MR DEVINE: Yes. Fine.

DEPUTY PRESIDENT: Okay, well we'll adjourn to a date to be fixed, but with that footnote that the parties will keep me informed.

Okay, we'll adjourn. Thank you.

HEARING ADJOURNED